



GREENBLUM & BERNSTEIN, P.L.C.
Intellectual Property Causes
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

2673
41

Attorney Docket No. P22007

In re application of : Tomoko MORITA et al.

Application No. : 10/069,526

Filed : March 6, 2002

For : DISPLAY DEVICE AND DISPLAY METHOD

Mail Stop Amendment

Group Art Unit : 2673

Examiner : J. Nguyen

Mail Stop Amendment

Commissioner for Patents

U.S. Patent and Trademark Office

220 20th Street S.

Customer Window

Crystal Plaza Two, Lobby, Room 1B03

Arlington, VA 22202

Sir:

RECEIVED
DEC 03 2004
Technology Center 2600

Transmitted herewith is a **Response to Restriction Requirement, with Traverse** in the above-captioned application.

☐ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

☒ A Request for Extension of Time.

☐ No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 39	*39	0	x 9=	\$	x 18=	\$ 0.00
Indep. Claims: 7	**7	0	x 44=	\$	x 88=	\$ 0.00
Multiple Dependent Claims Presented			+150=	\$	+300=	\$ 0.00
Extension Fees for two Month(s)				\$		\$430.00
Total:				\$	Total:	\$430.00

* If less than 20, write 20

** If less than 3, write 3

☐ Please charge my Deposit Account No. 19-0089 in the amount of \$_____.

☒ A check in the amount of \$430.00 to cover the extension fee is included.

☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).

Bruce H. Bernstein
Reg. No. 29,027

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tomoko MORITA et al.

Group Art Unit: 2673

Appl. No. : 10/069,526

Examiner: J. Nguyen

Filed : March 6, 2002

Confirmation No. 4567

For : DISPLAY DEVICE AND DISPLAY METHOD

RECEIVED

DEC 03 2004

RESPONSE TO RESTRICTION REQUIREMENT, WITH TRAVERSE Technology Center 2600

Commissioner for Patents
U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

ELECTION

In response to the Examiner's restriction requirement of August 31, 2004, in which the period for responding thereto is extended from September 30, 2004 to November 30, 2004 by a request for a two-month extension of time and the payment of the appropriate extension of time fee, Applicants elect, with traverse, Species I, illustrated in Fig. 2. Applicants submit that claims 1, 2, 8, 9, 15, 16, 22, 23, 25, 26, 31, 32, 34 and 35 are readable on the elected species.

TRAVERSE

Applicants respectfully traverse the Examiner's restriction requirement. In this regard, in addition to the arguments presented below as to why the restriction requirement is inappropriate and should be withdrawn, Applicants submit that the present application is a national stage application filed under 35 U.S.C. §371, and thus, unity of invention practice, and not restriction practice, governs in this application.

The standard by which the U.S. Patent and Trademark Office guides Examiners in requiring restriction under 35 U.S.C. §121 is set forth in M.P.E.P. Chapter 800. Section 803 states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

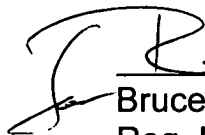
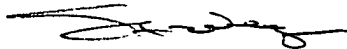
Applicants respectfully submit that it would appear that the search for the inventions identified by the Examiner are coextensive. Therefore, when the Examiner performs a search for Species I, it would not be a serious burden to continue the examination of the remaining species in this application. For example, Applicants submits that it would not be a serious burden, to additionally search Species III (illustrated in Fig. 4), which page 81 of Applicants' specification notes to be similar to the Species shown in Fig. 2.

Therefore, due to an apparent lack of a serious burden, as recognized in M.P.E.P. 803 as being a prerequisite to a proper restriction requirement, and due to the fact that the Office action fails to even address the issue of a serious burden, Applicants respectfully request that the restriction requirement be withdrawn.

Further, Applicants submit that the present application is a National Stage Application submitted under 35 U.S.C. §371. Applicants submit that unity of invention practice, and not the currently applied restriction practice, is applicable in the present application (see, for example, M.P.E.P. §1893.03(d)). Thus, Applicants submit that it is erroneous of the Examiner to apply U.S. restriction practice to a 371 National Stage Application, and respectfully requests that the restriction requirement be withdrawn.

For all of the foregoing reasons, Applicants respectfully request the restriction requirement be reconsidered and withdrawn. Any comments or questions concerning this application can be directed to the undersigned at the telephone number given below.

Respectfully submitted,
Tomoko MORITA et al.



Bruce H. Bernstein
Reg. No. 29,027

November 30, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1941 Roland Clarke Place
Reston, VA 20191
(703) 716-1191